

SENATE BILL 287

Unofficial Copy  
E2  
SB 378/03 - JPR

2004 Regular Session  
4r1311  
CF 4r1310

---

By: **Senators Jacobs, Colburn, Hafer, Hooper, Klausmeier, Schrader, and Stone**

Introduced and read first time: January 30, 2004  
Assigned to: Judicial Proceedings

---

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Death Penalty - Multiple Murders**

3 FOR the purpose of adding the commission of more than one murder in the first  
4 degree within a certain time period to the list of aggravating circumstances a  
5 court or jury is required to consider before a defendant can be sentenced to  
6 death; and generally relating to the death penalty.

7 BY repealing and reenacting, without amendments,  
8 Article - Criminal Law  
9 Section 2-303(b)  
10 Annotated Code of Maryland  
11 (2002 Volume and 2003 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article - Criminal Law  
14 Section 2-303(g)  
15 Annotated Code of Maryland  
16 (2002 Volume and 2003 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Criminal Law**

20 2-303.

21 (b) If the State gave notice under § 2-202(a)(1) of this title, a separate  
22 sentencing proceeding shall be held as soon as practicable after a defendant is found  
23 guilty of murder in the first degree to determine whether the defendant shall be  
24 sentenced to death.

25 (g) (1) In determining a sentence under subsection (b) of this section, the  
26 court or jury first shall consider whether any of the following aggravating  
27 circumstances exists beyond a reasonable doubt:

- 1 (i) one or more persons committed the murder of a law  
2 enforcement officer while the officer was performing the officer's duties;
- 3 (ii) the defendant committed the murder while confined in a  
4 correctional facility;
- 5 (iii) the defendant committed the murder in furtherance of an  
6 escape from, an attempt to escape from, or an attempt to evade lawful arrest, custody,  
7 or detention by:
- 8 1. a guard or officer of a correctional facility; or  
9 2. a law enforcement officer;
- 10 (iv) the victim was taken or attempted to be taken in the course of  
11 an abduction, kidnapping, or an attempt to abduct or kidnap;
- 12 (v) the victim was a child abducted in violation of § 3-503(a)(1) of  
13 this article;
- 14 (vi) the defendant committed the murder under an agreement or  
15 contract for remuneration or promise of remuneration to commit the murder;
- 16 (vii) the defendant employed or engaged another to commit the  
17 murder and the murder was committed under an agreement or contract for  
18 remuneration or promise of remuneration;
- 19 (viii) the defendant committed the murder while under a sentence of  
20 death or imprisonment for life;
- 21 (ix) the defendant committed more than one murder in the first  
22 degree arising out of the same incident; [or]
- 23 (x) the defendant committed the murder while committing, or  
24 attempting to commit:
- 25 1. arson in the first degree;  
26 2. carjacking or armed carjacking;  
27 3. rape in the first degree;  
28 4. robbery under § 3-402 or § 3-403 of this article; or  
29 5. sexual offense in the first degree; OR
- 30 (XI) THE DEFENDANT COMMITTED MORE THAN ONE MURDER IN  
31 THE FIRST DEGREE WITHIN A 3-YEAR PERIOD.
- 32 (2) If the court or jury does not find that one or more of the aggravating  
33 circumstances exist beyond a reasonable doubt:

1                   (i)       it shall state that conclusion in writing; and

2                   (ii)       a death sentence may not be imposed.

3       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
4 effect October 1, 2004.